

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL
AUGUST 16, 2021
3:00 PM**

MEMBERS PRESENT

Representative Sara Hannan, Chair
Senator Lora Reinbold, Vice Chair
Representative Matt Claman
Representative Bryce Edgmon
Representative Neal Foster
Representative Louise Stutes
Representative Cathy Tilton
Representative Chris Tuck
Senator Click Bishop
Senator Shelley Hughes (alternate)
Senator Peter Micciche
Senator Mike Shower
Senator Gary Stevens

MEMBERS ABSENT

Senator Lyman Hoffman
Senator Bert Stedman

OTHER MEMBERS PRESENT

AGENDA

CALL TO ORDER
APPROVAL OF AGENDA
APPROVAL OF MINUTES
COMMITTEE BUSINESS
COMMITTEE BUSINESS - EXECUTIVE SESSION
ADJOURN

SPEAKER REGISTER

Jessica Geary, Executive Director, Legislative Affairs
Agency (LAA)
JC Kestel, Procurement Officer, LAA

[3:06:40 PM](#)

I. CALL TO ORDER

CHAIR HANNAN called the Legislative Council meeting to order at 3:06PM in the House Finance Committee Room. Present at the call were: Representatives Claman, Edgmon, Foster, Hannan, Stutes, Tilton, Tuck; Senators Bishop, Hughes, Micciche, Reinbold, Shower, Stevens.

Members absent were: Senators Hoffman, Stedman.

Thirteen members present.

II. APPROVAL OF AGENDA

[3:08:08 PM](#)

VICE-CHAIR REINBOLD moved and asked unanimous consent that Legislative Council approve the agenda as presented.

The agenda was approved with no objections.

III. APPROVAL OF MINUTES

[3:08:41 PM](#)

VICE-CHAIR REINBOLD moved and asked unanimous consent that Legislative Council approve the minutes dated February 25, 2021, as presented.

The minutes were approved with no discussion or objections.

IV. COMMITTEE BUSINESS

VICE-CHAIR REINBOLD said that she had deep problems with this action item, so Senator Micciche would be making the motion.

[3:09:32 PM](#)

SENATE PRESIDENT MICCICHE moved that Legislative Council adopt the COVID-19 Mitigation Policy as amended.

REPRESENTATIVE TILTON objected.

CHAIR HANNAN introduced Jessica Geary, Executive Director, LAA to discuss and take questions about the proposed changes to the mitigation policy.

JESSICA GEARY stated her name and position for the record, and said she worked with the Chair's office to draft these

recommended updates to the Legislature's current policy. She said this policy would reinstate the mask mandate within the Capitol and Legislative Facilities and the other items were basically unchanged from the current policy. She thought the draft included a section encouraging social distancing, and said the language added regarding masks took the policy back to the language approved last session, and said she was happy to answer any questions.

SENATOR STEVENS thanked Ms. Geary for her efforts and asked about testing - who, where, would it be like last session?

MS. GEARY stated that the Legislature was working with Bartlett Regional Hospital and the City and Borough of Juneau to offer voluntary testing twice-weekly in the Transportation Committee Room. The only requirement would be an online registration, and she would send out that link to members and staff shortly. It was not a rapid test like the ones previously used with Beacon, but a lab-based test, meaning that specimens would be collected, sent to the Bartlett lab, and results would take less than twenty-four hours.

SENATOR STEVENS offered his thanks and praise for the Beacon test providers for their painless testing and professional aptitude. He expressed hope that these new test providers would be able to perform similarly.

SENATE PRESIDENT MICCICHE stated he just came back from a trip to the Lower 48 and his family went to Pike Place Market where thousands of people were moving through, and they saw a huge sign that said, "Masks are Recommended." He said most people probably had masks on; he did not know the vaccination status of the unmasked. He said he would be much more supportive of this policy change if Members amended the word "required" to "recommended." He said he would probably wear a mask, especially around LAA folks that made it clear they preferred him to wear one, or other legislators who preferred the same, he had no problem with that. He believed that use of the word "required" would put members back into the battle of last session and reminded them of the audible cheer heard when the mask requirement was eliminated. He speculated that the Capitol Complex was probably in the 90% range for vaccinated individuals and said he had read everything the CDC had ever put out. He then moved that Legislative Council change "required" to "recommended" and let individuals make the choice.

He then said there were a couple ways members could limit exposure in the Capitol, including closing the building to non-residents. He noted the halls were emptier than usual due to fewer staff coming to Juneau for special session, more legislators than usual would be in and out, and most legislators were vaccinated. If he were in a crowded place and knew there were people who were uncomfortable, he would wear a mask, if he were somewhere where people were not uncomfortable, he would make that personal choice, but said he wished the committee would consider changing the word required to recommended and said he would make that motion.

CHAIR HANNAN asked Senate President Micciche to state his motion.

SENATE PRESIDENT MICCICHE said on page one, section one, "Face covering/masks are recommended in all legislative facilities... instead of *required*."

CHAIR HANNAN said the motion is to substitute the word recommended for the word required, under item one, Face Coverings/Masks.

SENATOR SHOWER said he seconded Senate President Micciche's very reasonable and prudent recommended change for many reasons, saying the Senate President did a good job explaining some very good reasons why this would make sense. He pointed out that the Legislature had been receiving conflicting guidance that was changed from pro-mask to anti-mask. He said that Senator Micciche made a great point about how almost the entirety of state legislators were vaccinated and since they have acknowledged that masks do not actually stop the transmission or the reception, he thought that members were in a reasonable place to allow people to make the choice to mask or not themselves. He said it would also keep members from having to deal with continuous tension and be able to keep their focus on the mission at hand. He said he wanted to make those comments for the record and said he supported Senator Micciche's recommendations and that it would be a reasonable and prudent decision.

SENATOR STEVENS asked what the situation was in Juneau as far as mask-wearing.

CHAIR HANNAN said that the City of Juneau required masks in public buildings.

SENATOR STEVENS said that it seemed to him, the Legislature needed to honor the community of the city they operated in and if Juneau required masks, he thought masks should be required in the Capitol. He thought it was premature, taking into consideration information from the CDC and other sources, that Alaska could be facing an uptick in cases it seems like this is not the time to be making things easier for the virus to travel. In conclusion, he said, he believed members should honor Juneau and do what they recommended.

REPRESENTATIVE CLAMAN said that if this amendment were adopted, it would require changes to the next paragraph dealing with LAA and Lounge staff coming into offices because under the current way it was written, if there was a mandatory policy and an office was not following mask protocol, then LAA and Lounge staff does not come into the office because the offices are not complying. He thought there should be a level of workplace safety in members' policy, and if they opted for an optional mask policy, it should be clear that staff would not be required to enter offices of those without masks. Although the Capitol Complex belongs to the State and legislators held offices there, he said they were also visitors to Juneau. He agreed with Senator Stevens that it would be worthwhile to respect the community and follow their lead.

REPRESENTATIVE TILTON agreed with Senator Micciche's suggestion to use "recommend" instead of "require" citing personal choice, issues with hearing muffled voices, people who depend on lip-reading, and the fact that the Municipality of Anchorage, Mat-Su, and Fairbanks North Star Boroughs had not mandated masks.

REPRESENTATIVE EDGMON echoed Senator Stevens comments and thanked LAA and Legislative Council for their mitigation efforts last session. He agreed with Representative Claman's statement about being visitors to this community even as legislators work to represent the state. He felt the legislature should set an example. He will not support changing "required" to "recommended," because he wants to remain consistent with the previous Legislative Council position that adhered to CDC guidelines. He stated he does not like wearing masks, but still does, so while he appreciated the intent of the amendment and respected the spirit of it, he would not support it.

SENATOR MICCICHE clarified that he was not proposing any changes and had tried in the past to be a champion for LAA

folks who were uncomfortable in different situations. He did not believe that paragraph should change and believed that if LAA employees were uncomfortable that folks should work their hardest to make those individuals comfortable by protecting them at the same level. He wanted to be clear that although his amendment would make masking optional, when someone came into a legislator's office to serve them, the legislator should live to their standard as long as the pandemic continued.

SENATOR BISHOP said he did not like the word recommended under number four, Testing. He prefers to have Beacon back at the Capitol providing tests. He said he did not want to go to Bartlett and this was the weakest part of this protocol if legislators were really concerned about the spread of COVID-19.

REPRESENTATIVE STUTES said this was difficult for her because she was very happy to not mask and remove the mask policy, but that if anyone had been watching the news, her home community was currently the highest rate of contagious individuals in the state. She said she personally knew several of those people who were ill and had been immunized. Having personally seen these vaccinated people very sick, she said she would not be able to support this amendment.

SENATOR HUGHES said she appreciated everyone's concern for the people who work in and out of this building. She cited two studies out of Israel and the Cleveland Clinic which said those who have had COVID-19 had six times stronger immunity than those who had been vaccinated, making previously infected individuals less likely to carry because they have a more thorough protection than immunized people. She said the side effects of wearing masks and breathing in one's own carbon dioxide including confusion, garbled thoughts, and anxiety. If there were ever a time where legislators need to have clear heads and calm demeanor, she said it would be during this special session, so she would be supporting this amendment.

VICE-CHAIR REINBOLD apologized for not being in person, she said that she had tried to fly, and Alaska Airlines had canceled her ticket. She said she did not support mandating CDC guidance as the CDC had been inconsistent in their recommendations. She supported the amendment proposed by Senate President Micciche and shared many COVID-19 concerns, including asymptomatic/vaccinated spread, inconsistent recommendations regarding mask-wearing and

types of masks, liability issues, and focusing on communicable diseases beyond COVID-19. She closed by saying personal responsibility and freedom had her in support of the amendment.

CHAIR HANNAN, seeing no further discussion, requested a vote on the amendment.

3:31:31 PM

A roll call vote was taken. There was a question whether Senator Hughes could vote as alternate since Senator Stedman had joined the meeting, and after a brief at-ease, it was determined that she was allowed to vote.

YEAS: Representatives Tuck, Tilton; Senators Bishop, Shower, Micciche, Hughes, Reinbold.

NAYS: Representatives Claman, Edgmon, Foster, Hannan, Stutes; Senators Stedman, Stevens.

The amendment failed 7-7.

CHAIR HANNAN asked if there was further discussion on the policy as presented.

VICE-CHAIR REINBOLD referenced roman numeral V on the policy and asked what the vaccinated and unvaccinated individuals found to be close contacts of a person who tested positive would be directed to do.

MS. GEARY said that this section referred to people who test positive or are a close contact of a known positive. She said the reason the guidance was not spelled out is because it is ever-changing; current guidance suggests vaccinated people do not need to quarantine if they are a close contact, but if they develop symptoms, they would be directed to get tested and follow whatever protocols are for time away from work until their symptoms resolve. If one is unvaccinated and comes into close contact with a known positive or are sick and tests positive themselves, they are supposed to quarantine for ten days to make sure they did not develop symptoms; she said they could then get a follow-up test after that period.

VICE-CHAIR REINBOLD asked what the CDC said about updated recommendations for camps.

CHAIR HANNAN and MS. GEARY each expressed that they were not following the Vice-Chair's meaning.

VICE-CHAIR REINBOLD referenced recent information regarding shielding and recommendations by the CDC and asked if Chair Hannan was planning on mandating something.

CHAIR HANNAN asked the Vice-Chair to clarify if she was talking about face coverings or collective gathering of people.

VICE-CHAIR REINBOLD said collective gathering.

CHAIR HANNAN said that the policy did not address events outside of the Legislature and that as far as she knew, there were no Legislative camps scheduled, so she did not believe the question was relevant.

VICE-CHAIR REINBOLD said her question was not in regard to Legislative Camps, but in regard to shielding of people. She spoke to concerns about the ever-changing nature of CDC guidelines and said there could be future problems if this policy was not clearly defined, so she could not support this new policy.

CHAIR HANNAN explained that the policy as drafted related to COVID-19 protocols and the mitigation policy within this building. There was effort by both parties to reach understanding.

[3:42:59 PM](#)

There was an at-ease.

CHAIR HANNAN, back on the record, said that Senator Hughes had helped facilitate some understanding about the term shielding camp and how it applied to community response and community quarantines. She said she believed members addressed that by maintaining that this policy was only about Legislative facilities.

VICE-CHAIR REINBOLD further explained shielding camps.

SENATE PRESIDENT MICCICHE asked the Chair to call the question.

CHAIR HANNAN restated the motion to adopt the Legislative Council COVID-19 Mitigation Policy as amended in the August 16, 2021, document. She then requested a roll call vote.

[3:45:11 PM](#)

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Foster, Hannan, Stutes; Senators Bishop, Stedman, Stevens.

NAYS: Representatives Tuck, Tilton; Senators Shower, Micciche, Reinbold, Hughes.

The motion passed 8-6.

V. COMMITTEE BUSINESS - EXECUTIVE SESSION

A. RFP 646 Anchorage Legislative Office Building Janitorial Contract

B. Assembly Building Proposed Donation

CHAIR HANNAN introduced the next item of business, discussion surrounding a janitorial contract for the Anchorage Legislative Office Building and a proposal to accept the Assembly Building from the Juneau Community Foundation, which would bring the Council into Executive Session.

[3:46:47 PM](#)

VICE-CHAIR REINBOLD moved and asked unanimous consent that Legislative Council go into Executive Session under Uniform Rule 22(B)(1), discussion of matters, the immediate knowledge of which would adversely affect the finances of a government unit and 22(B)(3), discussion of a matter that may, by law, be required to be confidential. The following individuals may remain in the room or on-line for the entirety of the... (audio cut out) executive session: Jessica Geary, JC Kestel, Sante Lesh, Megan Wallace, Emily Nauman, Helen Phillips, Jodie Murdock, Bree Wylie, any Legislators not on Legislative Council, and any staff of Legislative Council members. When the council turns to the matter of the Assembly Building, Facilities Manager Serge Lesh, CBJ Mayor Beth Weldon and former Mayor Ken Koelsch, and Reed Stoops and Wayne Jensen of the Juneau Community Foundation may also be present in the room.

[4:56:20 PM](#)

Council returned from Executive Session.

VICE-CHAIR REINBOLD moved that Legislative Council approve the award of RFP 646 for Anchorage janitorial services to Q-1 Corporation for a one-year contract and five optional one-year renewals with a not-to-exceed value of fifty-six thousand dollars per contract year.

CHAIR HANNAN objected for purposes of discussion and asked JC Kestel to summarize the contract for the record.

There was brief discussion by Council members about procedure for exiting Executive Session and if a roll call vote to determine quorum was necessary.

4:57:34 PM

A roll call vote was taken.

Present at the call were: Representatives Claman, Edgmon, Foster, Hannan, Stutes, Tilton, Tuck; Senators Bishop, Hughes, Micciche, Reinbold, Shower, Stedman, Stevens.

Fourteen members present.

CHAIR HANNAN briefly reviewed the agenda thus far and picked back up by asking Mr. Kestel to summarize the contract.

JC KESTEL, Procurement Officer with the Legislative Affairs Agency, said RFP 646 closed August 6, there were four proposals received, the proposals were reviewed by a proposal evaluation committee; once the evaluation scores were tallied and finalized, Q-1 Corporation's was considered the most beneficial and awarded the most points. The Agency recommended the award of 646 to Q-1 Corporation for the janitorial services of the Anchorage Legislative Office Building. He said he would be happy to answer any questions.

CHAIR HANNAN, seeing no members wishing to discuss further, removed her objection.

SENATOR SHOWER objected.

CHAIR HANNAN asked if he would like to speak to his objection.

SENATOR SHOWER confirmed and said what he heard today did not provide a compelling reason that the Council should accept this.

CHAIR HANNAN said to him that the issue being voted on was for the janitorial service for the Anchorage Legislative Office Building.

SENATOR SHOWER apologized, said his audio cut out, and removed his objection.

CHAIR HANNAN asked again if there were any objections to awarding RFP 646. Seeing no objection, she said that motion had been adopted. She then acknowledged a suggestion that a roll call vote was necessary and called for a vote.

5:00:27 PM

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Foster, Hannan, Stutes, Tuck, Tilton; Senators Bishop, Hughes, Micciche, Reinbold, Shower, Stedman, Stevens.

NAYS: None.

The motion passed 14-0.

CHAIR HANNAN introduced the next action item, receipt of the Assembly Building from the Juneau Community Foundation.

VICE-CHAIR REINBOLD moved that the Legislative Council authorize the transfer of the property located at 211 4th Street in Juneau, Alaska to the Legislative Council. She further moved that Legislative Council authorizes the Legislative Affairs Agency to act as an agent for the Legislature and execute and enter into any appropriate agreements regarding the transfer.

CHAIR HANNAN asked if there were any objections to the above motion.

REPRESENTATIVE TILTON objected and said she appreciated the Community Foundation looking at presenting a gift to the Legislature but had concerns about the environmental concerns there and that now is a time when government should be reducing its size and footprint. She said it was a tough time to take on what could potentially become an expense, though she knew there were some Capitol funds available, she believed those funds should be conserved.

CHAIR HANNAN asked if any other members wished to speak.

SENATOR HUGHES expressed her gratitude to the Juneau Community Foundation's gift and said that this vote today was not putting members on the hook for the \$3.8 million, but she did understand that there was some lead paint, asbestos-containing materials, and that some offices may be moved from other locations which would involve remodeling and updating electrical systems. She said she saw this

putting future line items before the Legislature and that the State was in a tight spot financially right now. She said it mattered to her constituents to hold a floor session perhaps, maybe, someday in Southcentral Alaska. If she knew, before spending money to update the gift of this building, that there was going to be the option for a closer geographical session for more Alaskans, she would vote yes, but her district would like to see that as a priority over this, so she would be voting no.

CHAIR HANNAN asked if Senator Shower would like the floor.

SENATOR SHOWER thanked her and said he heard a lot of concerns from folks who brought up good points: that the Legislature had potential risk of maintenance costs, environmental costs, and other unknowns; that members were on a tight timeline and when things get rushed, bad or costly decisions can be made, he had not heard a compelling need of the Legislature for this building, and that the time was not right due to needing to reduce. He said he did not think it sent the right message for the Legislature to risk making a potentially spendy decision and cited environment concerns as well.

SENATOR REINBOLD said she supported not trying to twine and intertwine the three branches of government, so for one small reason she would support the purchase if it meant getting the Executive branch out of the Capitol. She said members did not know the risks and liabilities and she could not vote for this without full knowledge of the risks associated with it, and additionally she said she did not believe the Legislature needed an empire in Juneau; she said the road system was where the people were and that the Legislature needed access to the people. She stated she was a big proponent of getting the Legislature out of Juneau and onto the road system especially now that Alaska Airlines had banned her from flying, and with that she would be a passionate "no" vote.

SENATOR MICCICHE said he would not be a passionate anything on this deal, but that the building was operating now legally and that there would be savings in eliminating long-term leases throughout Juneau. He said members were aware of the minor environmental issues in the building and there was a potential chance of an issue with the storage tank, but this was a gift and members were not agreeing to spend a penny and there is potential to save substantial money. He would support this but did strongly suggest that LAA execute a quick core sample contract to determine if

there were further issues before the end of the week, and that would make him more comfortable. He said he was okay with this.

SENATOR STEDMAN said he would like to speak in favor of taking the gift; rarely would members have opportunities like this and there would always be challenges. Besides cutting costs, another benefit of owning a piece of property right across from the Capitol would be having some control of the neighborhood, he said. As far as the Capital, he said, it was Juneau, and it would stay in Juneau until the constitution changed. The Legislature, he said, met in the thriving community that had its own road system and was on a road system; the Alaska Marine Highway accounted for part, but that there was road travel available from here to Anchorage, Mat-Su, and Fairbanks. He thought members should accept the gift and make wise decisions about how they wanted to remodel it—possibly into apartments for sessions and rentals or storage during interim. There were all kinds of benefits, he said, and few downsides. While the economic climate might not be ideal currently, he said it would change, and owning a commercial building with viable, rent-paying tenants would be worth having. He thought members should move forward, thank the Juneau Community Foundation for gift of negotiating the purchase of the building, and helping secure a nice area near the Capitol. He spoke about the success of improvements made to the Capitol, the Terry Miller Legislative Office Building, and the Thomas Stewart Legislative Office Building, saying that the Assembly Building was the next step. He said he would be voting yes for this and future generations.

CHAIR HANNAN hearing no further comments, she requested a roll call vote.

[5:14:06 PM](#)

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Foster, Hannan, Stutes, Tuck; Senators Bishop, Micciche, Stedman, Stevens.

NAYS: Representative Tilton; Senators Hughes, Reinbold, Shower.

The motion passed 10-4.

VI. Adjourn

CHAIR HANNAN wished Ms. Geary a happy birthday, and said with nothing else on the agenda, the meeting is adjourned.

[5:15:20 PM](#)